BOMBAY ACT No. XXI OF 1955.[1]

[THE BOMBAY BHIL NAIK INAMS ABOLITION ACT, 1955.]

[*3rd June 1955*]

An Act to abolish Bhil Naik Inams prevailing in the districts of West Khandesh and Nasik in the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish the Bhil Naik Inams held for service useful to Government on political considerations in the districts of West Khandesh and Nasik in the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing ; It is hereby enacted in the Sixth Year of the Republic of India as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Bhil Naik Inams Abolition Act, 1955.

(*2*) It extends to the districts of West Khandesh and Nasik in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*i*) " appointed date " means the date on which this Act comes into force ;

(*ii*) " Bhil Naik Inam " means the grant of a village or land for service useful to Government on political considerations in accordance with the terms and conditions specified in Government Resolution in the Revenue Department, No. 5763, dated the 19th August 1902 and entered in the alienation register kept under section 53 of the Code as " Class VI—Village servants useful to Government " and includes the land granted in Marod village of Navapur taluka under Government order in the Revenue Department No. 288, dated the 11th January 1919 ;

Bom. V of 1879.

(*iii*) " Code " means the Bombay Land Revenue Code, 1879 ;

(*iv*) " Collector " includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(*v*) " inamdar " means a holder of a Bhil Naik Inam ;

(*vi*) " inam village " or " inam land " means a village or land, as the case may be, held by an inamdar under a Bhil Naik Inam ;

(*vii*) " prescribed " means prescribed by rules made under this Act.

(*2*) The other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

Act not to apply to certain inams.

3. Nothing in this Act shall apply to—

(*i*) devastan inams or inams held for religious or charitable institutions ; and

(*ii*) inams other than Bhil Naik Inams held for service useful to Government in an inam village or inam land.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1955, Part V, pp. 28-29.

Abolition of Bhil Naik Inams and resumption of inam villages and lands.

4. Notwithstanding any settlement, grant, sanad or order or any law for the time being in force, with effect from and on the appointed date—

(*1*) all Bhil Naik Inams shall be deemed to have been abolished, and

(*2*) any liability to render service and all other incidents appertaining to such inams are hereby extinguished.

(*3*) All inam villages and inam lands are hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such lands.

Occupancy rights in respect of lands in inam villages and inam lands.

5. (*1*) In an inam village and inam land—

(*i*) in the case of land which is not uncultivated on the appointed date and is in the actual possession of an inamdar or in the possession of a person holding through or from him other than an inferior holder referred to in clause (*b*) below, such inamdar, and

(*ii*) in the case of land, which is not uncultivated on the appointed date and is in the possession of an inferior holder on payment of annual assessment only to the inamdar, such inferior holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force :

Provided that the inamdar, in respect of the land which is in the possession of a person holding through or from him and the inferior holder in respect of the land in his possession shall be entitled to the rights of an occupant on payment to the State Government of such occupancy price as may be fixed by the State Government by special or general order but not exceeding an amount equal to six times the amount of the full assessment of such land within the prescribed period.

(*2*) If the inamdar or the inferior holder fails to pay the occupancy price within the prescribed period he shall be deemed to be unauthorizedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*3*) The occupancy of the land granted under this section shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may, by general or special order, determine.

Explanation.—For the purposes of this section and section 6, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.

6. For the removal of doubt it is hereby declared that all uncultivated and waste lands, whether assessed or unassessed, in an inam village or inam land and all other kinds of property referred to in section 37 of the Code situate in an inam village or inam land, which are not the property of the individuals or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are, together with all

rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

Method of compensation for abolition, etc. of other rights in land.

7. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property such person may apply to the Collector for compensation.

(*2*) An application under sub-section (*1*) shall be made to the Collector in a prescribed form within six months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

(*3*) Nothing in this section shall entitle any person to compensation on the ground that any land, which was wholly or partially exempt from the payment of land revenue, has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

(*4*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award.

Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

(*6*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section.

IX of 1908.

VII of 1870.

Court-fees.

8. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Finality of award of Collector and decision of Revenue Tribunal.

9. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

Inquiries and proceedings to be judicial proceedings.

10. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV of 1860.

Amount of compensation to be payable in transferable bonds.

11. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenants.

12. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any inam village or inam land or the mutual rights and obligations of a holder and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

13. The State Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

Saving.

14. Nothing in this Act shall be deemed to affect,—

(*a*) any obligation or liability already incurred before the appointed date ; or

(*b*) any proceeding or remedy in respect of such obligation or liability ;

and any such proceeding or remedy may be instituted, continued or enforced as if this Act had not been passed.